

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

Julian,

Plaintiff,

—v—

MetLife, Inc., *et al.*,

Defendants.

17-cv-0957 (AJN)

ORDER

ALISON J. NATHAN, District Judge:

Before the Court is Magistrate Judge Moses’s Report & Recommendation recommending that the Court grant Defendants’ motion to dismiss in part. *See* Dkt. No. 349.

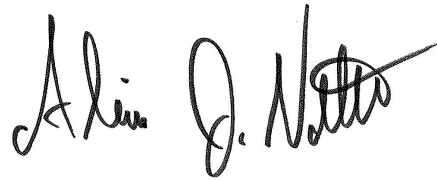
When considering the findings and recommendations of a Magistrate Judge, the Court may “accept, reject, or modify [them], in whole or in part.” 28 U.S.C. § 636(b)(1). The Court must make a *de novo* determination of any portions of a magistrate’s report or findings to which a party raises an objection, and reviews only for “clear error on the face of the record” when there are no objections to the Report & Recommendation. *Brennan v. Colvin*, No. 13-cv-6338 (AJN), 2015 WL 1402204, at \*1 (S.D.N.Y. Mar. 25, 2015); *see also Hicks v. Ercole*, No. 09-cv-2531 (AJN) (MHD), 2015 WL 1266800, at \*1 (S.D.N.Y. Mar. 18, 2015); *Gomez v. Brown*, 655 F. Supp. 2d 332, 341 (S.D.N.Y. 2009). Clear error is found only when, upon review of the entire record, the Court is left with “the definite and firm conviction that a mistake has been committed.” *Laster v. Mancini*, No. 07-cv-8265 (DAB) (MHD), 2013 WL 5405468, at \*2 (S.D.N.Y. Sept. 25, 2013) (quoting *United States v. Snow*, 462 F.3d 55, 72 (2d Cir. 2006)).

Objections to Magistrate Judge Moses’s Report and Recommendation were due by September 15, 2021. *See* Dkt. No 349. As of October 7, 2021, no objections have been filed.

The Court thus reviews the Report & Recommendation for clear error, and finds none. The Court therefore adopts the Report & Recommendation in its entirety and GRANTS IN PART Defendants' motion to dismiss for the reasons provided in Magistrate Judge Moses's Report & Recommendation. Plaintiff Harris's IMWL claim is DISMISSED to the extent it arises out of overtime pay allegedly due for periods prior to March 7, 2017.

SO ORDERED.

Dated: October 7, 2021  
New York, New York

A handwritten signature in black ink, appearing to read "Alison J. Nathan", written over a horizontal line.

ALISON J. NATHAN  
United States District Judge